

QUINN EMANUEL URQUHART & SULLIVAN, LLP

Claude M. Stern (Bar No. 96737)

claudestern@quinnemanuel.com

Karin Kramer (Bar. No. 87346)

karinkramer@quinnemanuel.com

Thomas R. Watson (Bar No. 227264)

tomwatson@quinnemanuel.com

Nathan Sun (Bar No. 284782)

nathansun@quinnemanuel.com

555 Twin Dolphin Drive, 5th Floor

Redwood Shores, California 94065-2139

Telephone: (650) 801-5000

Facsimile: (650) 801-5100

Attorneys for Plaintiff TIBCO SOFTWARE INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

TIBCO SOFTWARE INC.,

Plaintiff,

vs.

BANK OF AMERICA CORPORATION;
BANK OF AMERICA, NATIONAL
ASSOCIATION; MERRILL LYNCH,
PIERCE, FENNER & SMITH, INC.

Defendants.

CASE NO. 3:14-cv-02782-JD

**STIPULATION AND ~~PROPOSED~~
ORDER REGARDING EXTENSION OF
OPPOSITION AND REPLY DATES FOR
DEFENDANTS' MOTION TO COMPEL
ARBITRATION AND/OR DISMISS; AND
TO CONTINUE THE INITIAL CASE
MANAGEMENT CONFERENCE**

Plaintiff TIBCO Software Inc. ("TIBCO") and Defendants Bank of America Corporation, Bank of America, National Association, and Merrill Lynch, Pierce, Fenner & Smith, Inc. (collectively "Bank of America") stipulate to (1) a 14-day extension for TIBCO to file its opposition to Bank of America's Motion to Compel Arbitration and Dismiss and/or Stay, or, In the Alternative, to Dismiss (hereinafter "Motion") (Docket No. 23); (2) a 7-day extension of Bank of America's reply due date from the extended opposition date; and (3) continuing the September 17, 2014 Initial Case Management Conference (and associated meet and confer, ADR, initial disclosures, and filing deadlines) to October 1, 2014 at 9:30 a.m., immediately following the

1 hearing on the Motion, so as to conserve judicial time and resources and further the efficient
2 administration of this case.

3 NOW, THEREFORE, IT IS HEREBY STIPULATED between the parties through their
4 respective attorneys of record, and subject to Court approval, that the following dates shall apply:

| <u>EVENT</u> | <u>CURRENT DATE</u> | <u>PROPOSED DATE</u> |
|--|---------------------------------|--|
| TIBCO's Opposition to the Motion | August 20, 2014 | September 3, 2014 |
| Bank of America's Reply to TIBCO's Opposition | August 27, 2014 | September 17, 2014 |
| Last day to: <ul style="list-style-type: none"> • meet and confer re: initial disclosures, early settlement, ADR process selection, and discovery plan (FRCP 26(f) & ADR L.R. 3-5) • file ADR Certification signed by Parties and Counsel (Civil L.R. 16-8 (b) & ADR L.R. 3-5(b)) • file either Stipulation to ADR Process or Notice of Need for ADR Phone Conference (Civil L.R. 16-8 (c) & ADR L.R. 3-5(b) & (c)) | August 27, 2014 | September 10, 2014 |
| Last day to file Rule 26(f) Report, complete initial disclosures or state objection in Rule 26(f) Report and file Case Management Statement (FRCP 26(a) & Civil L.R. 16-9) | September 10, 2014 | September 24, 2014 |
| Hearing on the Motion | October 1, 2014 at 9:30 a.m. | No change |
| Initial Case Management Conference | September 17, 2014 at 1:30 p.m. | October 1, 2014 at 9:30 a.m. following the hearing on the Motion |

1 DATED: August 12, 2014

QUINN EMANUEL URQUHART &
SULLIVAN, LLP

4 By /s/Claude M. Stern

Claude M. Stern

Attorneys for Plaintiff TIBCO SOFTWARE INC.

7 DATED: August 12, 2014

MUNGER, TOLLES & OLSON LLP

9 By /s/Kelly M. Klaus

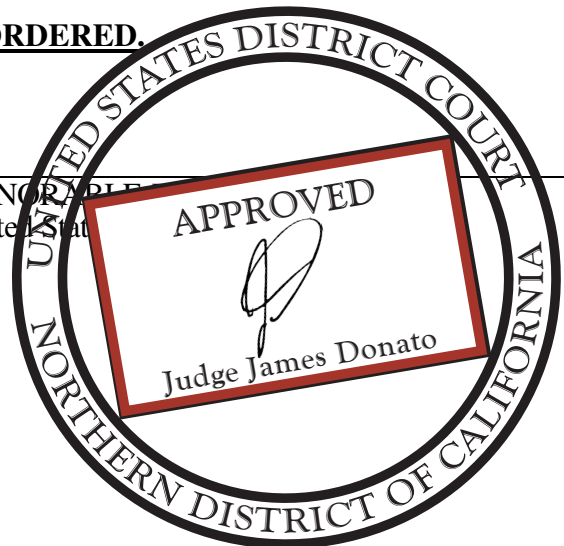
Kelly M. Klaus

Attorneys for Defendants BANK OF AMERICA
CORPORATION; BANK OF AMERICA,
NATIONAL ASSOCIATION; MERRILL
LYNCH, PIERCE, FENNER & SMITH, INC.

13 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

15 DATE: August 14, 2014

HONORABLE
United States



ATTESTATION

I, Claude M. Stern, am the ECF user whose ID and password are being used to file this Stipulation. In compliance with Civil L.R. 5-1(i)(3), I hereby attest that Kelly M. Klaus has concurred in this filing.

Dated: August 12, 2014

/s/ Claude M. Stern
Claude M. Stern